

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 247**

Citations Affected: IC 9-13-2-49.5; IC 9-24-12-3; IC 9-29-9-5; IC 9-30-3.

Synopsis: Various motor vehicle matters. Conference committee report for ESB 247. Provides that a public passenger chauffeur's license (license) is valid for four years and that the fee for the license is \$8. (Current law provides that the license is valid for two years and that the fee for the license is \$4.) Authorizes the division of court administration to prescribe a: (1) traffic information and summons; or (2) complaint and summons; in an electronic format, to be known as an electronic traffic ticket. Authorizes a law enforcement officer to issue an electronic traffic ticket instead of a paper ticket, and authorizes the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Makes conforming amendments. **(This conference committee report removes language requiring that a license plate for a passenger car display a numeral that indicates the county in which the passenger car was registered and states specifications for the size and placement of the county indicator numeral, and makes technical corrections.)**

Effective: July 1, 2007; January 1, 2008.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 247 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of**
- 5 **IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**
- 6 SECTION 2. IC 9-24-12-3, AS AMENDED BY P.L.41-2006,
- 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JANUARY 1, 2008]: Sec. 3. Except as provided in section 11 of this
- 9 chapter, a public passenger chauffeur's license issued under this article
- 10 ~~after December 31, 1996~~, expires at midnight of the birthday of the
- 11 holder that occurs ~~two (2)~~ **four (4)** years following the date of issuance.
- 12 SECTION 3. IC 9-29-9-5 IS AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JANUARY 1, 2008]: Sec. 5. The fee for a public
- 14 passenger chauffeur's license issued under IC 9-24-5 is ~~four~~ **eight**
- 15 ~~dollars (\$4).~~ **(\$8).**
- 16 SECTION 4. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE
- 17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 18 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic**
- 19 **ticket" means:**
- 20 **(1) a traffic information and summons; or**
- 21 **(2) a complaint and summons;**
- 22 **for traffic cases that is in an electronic format prescribed by the**

1 division of state court administration.

2 (b) An electronic traffic ticket may be referred to as an
3 "e-citation".

4 SECTION 5. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2007]: Sec. 5.3. In prescribing the contents of an electronic
7 traffic ticket, the division of state court administration shall
8 require the inclusion in an electronic traffic ticket of the contents
9 required in an information and summons under section 6 of this
10 chapter. The division of state court administration may modify the
11 prescribed contents of an electronic traffic ticket as necessary for
12 the ticket to be in an electronic format.

13 SECTION 6. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an
16 electronic traffic ticket, the law enforcement officer:

17 (1) may print the electronic traffic ticket at the site of the
18 traffic violation; and

19 (2) shall inform the individual to whom the electronic traffic
20 ticket has been issued and note on the electronic traffic ticket
21 whether the individual must appear in court on a specific date
22 at a specific time.

23 (b) An electronic traffic ticket issued under this chapter that
24 bears a printed or digital signature of:

25 (1) the law enforcement officer who issued the electronic
26 traffic ticket; and

27 (2) the prosecuting attorney, or a representative of the office
28 of the prosecuting attorney, of the county in which the
29 electronic traffic ticket was issued;

30 is admissible in a court proceeding as if the signatures referred to
31 in subdivisions (1) and (2) were original signatures.

32 (c) A law enforcement officer who issues an electronic traffic
33 ticket may transmit the electronic traffic ticket to the court
34 electronically if the court and the electronic traffic ticket are in
35 compliance with the administrative rules adopted by the supreme
36 court.

37 (d) A law enforcement officer who issues an electronic traffic
38 ticket shall indicate on the electronic traffic ticket whether the law
39 enforcement officer served the person receiving the electronic
40 traffic ticket.

41 (e) The electronic transmission of an electronic traffic ticket
42 shall be considered by the court as an original certified copy of the
43 traffic information and summons or complaint and summons. An
44 electronic traffic ticket may be used:

45 (1) to notify the bureau of an Indiana resident who fails to:

46 (A) appear; or

47 (B) answer a traffic information and summons or
48 complaint and summons;

49 (2) to notify the bureau of a defendant who is not an Indiana
50 resident and who fails to:

51 (A) appear; or

- (B) answer a traffic information and summons;
 (3) to notify the bureau upon a final determination of a
 defendant's failure to appear; or
 (4) as a record of a traffic case that an individual has been
 charged with a traffic offense when:
 (A) the individual has been convicted;
 (B) a judgment has been entered; or
 (C) a finding has been made by a court.

SECTION 7. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply
 to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in
 substantially the following form:

In the _____ Court of _____ County
 Cause No. _____ Docket No. _____
 Page No. _____
 State of Indiana
 SS: _____ No. _____
 County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly
 sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT _____

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.

OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____ AT
 ____ M. OR BE SUBJECT TO ARREST.

1 SIGNATURE _____
2 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"
3 The information and summons shall consist of four (4) parts:
4 (1) the original copy, printed on white paper, which shall be the
5 abstract of court record for the Indiana bureau of motor vehicles;
6 (2) the court copy, printed on white paper;
7 (3) the police record, which shall be a copy of the information,
8 printed on pink paper; and
9 (4) the summons copy, printed on white stock.
10 The reverse sides of the information and abstract of court record
11 shall be substantially as follows, with such additions or deletions as are
12 necessary to adapt the form to the court involved:
13 RECEIPT # _____
14 DATE _____
15 COURT ACTION AND OTHER ORDERS
16 BAIL \$ _____
17 REARREST BOND \$ _____ DATE _____
18 1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
19 2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
20 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____
21 Motions Date Ruling Date
22 1. _____
23 2. _____
24 3. _____
25 4. _____
26 PLEA () GUILTY
27 () NOT GUILTY
28 FINDING () GUILTY
29 () NOT GUILTY
30 THE COURT THEREFORE, ENTERS
31 THE FOLLOWING ORDER
32 FINE \$ _____ AMOUNT SUSP. \$ _____
33 (STATE) \$ _____
34 COSTS
35 (CITY) \$ _____
36 _____ DAYS IN _____ DAYS SUSP.
37 _____
38 () RECOMMENDED LICENSE SUSPENDED FOR _____
39 () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
40 PROBATION
41 _____
42 _____
43 _____
44 _____
45 JUDGE: _____
46 DATE: _____
47 ATTORNEY FOR DEFENDANT _____
48 ADDRESS _____ TELEPHONE _____
49 WITNESSES
50 _____
51 _____

The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(b)~~ (c) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the _____ Court of _____ County
Cause No. _____ Docket No. _____
Page No. _____
State of Indiana

SS: No. _____
County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me
(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN _____

COURTROOM _____

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____

AT ____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;

8 RECEIPT # _____

10 COURT ACTION AND OTHER ORDERS

12 REARREST BOND \$ _____ DATE _____

15 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

20 4. _____

27 THE FOLLOWING ORDER

29 (STATE) \$ _____

34 PROBATION

35 _____

36 _____

37 _____

38 _____

39 _____

43 ADDRESS _____ TELEPHONE _____

45

46

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

51 (c) (d) The complaint form shall be used in traffic cases, whether

the charge is made by a law enforcement officer or by any other person.

~~(d)~~ (e) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 8. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration**, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the

charges against the defendant;
 the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 9. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought

1 by the attorney general in the name of the state on relation of the
2 attorney general. Each failure by an officer constitutes a separate cause
3 of action.

4 **SECTION 10. An emergency is declared for this act.**
 (Reference is to ESB 247 as reprinted March 23, 2007.)

Conference Committee Report
on
Engrossed Senate Bill 247

Signed by:

Senator Merritt
Chairperson

Representative Lawson L

Senator Mrvan

Representative Duncan

Senate Conferees

House Conferees